IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6779 OF 2006

Ranjita Uday Patil ...Petitioner

Versus

State of Maharashtra and Ors. ...Respondents

Mr. R.K. Mendadkar for the petitioner.
Mr. V.P. Malvankar, Assistant Government Pleader, for the respondents.

CORAM: **H.S. BEDI, C.J.,** &
V.M. KANADE, J.

DATE: **DECEMBER 11, 2006**.

P.C.

Rule. Respondents waive service of rule. Heard forthwith.

2. The petitioner has challenged the impugned order dated 5th June, 2004, at Exhibit-A to the petition. By this order, the Caste Scrutiny Committee has invalidated the caste certificate filed by the petitioner claiming that she belonged to Dongar Koli caste. The learned counsel for the petitioner has submitted that the report of the Enquiry Committee had also not been furnished to the petitioner prior to the making of the impugned order.

3. In the reply filed by the respondents, it has been highlighted that the copy of the report had been served on the petitioner under registered post A.D. and that she had been given a notice of hearing as well but she chose not to appear.

4. We have gone through the record. In our opinion there seems to be some ambiguity as to whether a copy of the enquiry report had been served on the petitioner and whether she had knowledge of the proceedings before the Scrutiny Committee on the date when the impugned order was made. We accordingly quash the order at Exhibit-A but permit the respondents to pass a fresh order in accordance with law, after hearing the petitioner. We also direct the Caste Scrutiny Committee to take a decision within three months from the date of receipt of a copy of this order.

5. Rule is made absolute in the aforesaid terms with no order as to costs.

CHIEF JUSTICE

V.M. KANADE, J.